

### **The Special Education Process**

The following is a brief outline (in the order in which it occurs) of the process for determining eligibility and programs for students who need special education services.

- I. ***Referral*** – A referral for evaluation can be made by anyone (teacher, parent, etc.) who has reason to think a student has a disability that is adversely affecting the student’s educational performance. (Teachers make most referrals.) There is no required specificity to the content of referrals, but school districts have forms that request personally identifiable information, areas of concern and other known information about the educational performance of the child. (The Kentucky Department of Education also has a suggested form that districts may use.) It is critical to note that a child must have first had the opportunity to be taught in *regular education* prior to a referral for special education. Efforts to meet the presenting needs of the child in that regular environment must be documented.  
Major concern with referrals are that referrals from teachers or other staff may be fueled by the desire or belief that the student will be removed from his or her current setting. Secondly, referrals are subjective and could be predicated along one’s biases, beliefs or expectations for certain children, leading to the referral of children who don’t need it but rather may need differentiated instruction.
  
- II. ***Admissions and Release Committee*** – The district must convene an *Admissions and Release Committee (ARC)*, once the referral is made to discuss it. An ARC must have a regular education teacher, a special education teacher, a representative of the district, the parent(s), the student, if appropriate, and invited others that have an interest in the student. At this ARC meeting, the group gathers information about the student’s performance, educational history, information from other schools or agencies, and pertinent family information to see if the initial concern is supported by this information. If the ARC agrees that there is a reason to *suspect* a disability, then the ARC plans multidisciplinary evaluations. The parent(s) must be told of this plan and the purpose of the evaluations. The district cannot conduct any evaluations until the parents have given their written informed consent. A major concern is that poor educational performance of a student may be the result of inappropriate instructional strategies and not a disability. ARCs must be able to discern the distinction.
  
- III. ***Evaluation*** – If an ARC decides there is a suspected disability and plans a multidisciplinary evaluation for the student, the school district is responsible for ensuring the evaluation is conducted. A child cannot be identified based on a single assessment or test score. *Multiple* sources of data and evaluation procedures must be used, such as adaptive behavior evaluations, audiological assessment, academic evaluation, health screening, psychological evaluation, motor evaluation, and social/developmental history/scales. The district determines who will actually conduct the evaluations. Once the personnel are

chosen, it is up to the individual evaluators to decide which evaluation instruments are used. There are, however, specific evaluation guidelines that guide the process. The evaluation must be individually conducted and evaluation materials used must be:

- selected and administered so as not to be culturally biased;
- administered using technically sound instruments that assess the relative contribution of cognitive, behavioral, physical and developmental factors;
- provided and administered in the child's native language or mode of communication and selected to ensure they measure whether the child has a disability rather than measuring English language skills;
- composed of a variety of tools that gather functional and developmental information, including parental information;
- validated for the specific purpose for which they are used;
- administered by trained and knowledgeable personnel according to instructions provided by producers of the tests;
- tailored to assess specific areas of educational need and not just to get a single intelligence quotient; and
- selected and administered so that if given to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child's aptitude or achievement and intelligence rather than reflecting the child's impairment.

A major concern with evaluation is that evaluators may use different instruments which could lead to a child being identified in one school or district and not in another.

**IV. *Identification and Eligibility*** – Once all evaluations have been completed, the reports must be shared and discussed with ARC members (including the parent) at a second ARC meeting. The ARC must answer these questions before a student can be determined eligible: 1) Is there a documented disability that meets the regulatory criteria for special education? There are *categorical definitions* that guide in documenting a disability and determining eligibility. 2) Does this disability have an adverse effect on the student's educational performance? Adverse effect means that the progress of the child is impeded by the disability to the extent that educational performance is significantly and consistently below the level of similar aged peers. Educational performance involves, in addition to academics, the student's social and behavioral performance. Other issues that may be affecting a student's performance but are not related to a disability should not be used to make this eligibility determination. Examples of this could be – inappropriate instruction, family issues, gaps in instruction, cultural issues, etc. It is noteworthy that simply the presence of a disability (such as a student who has a medical diagnosis of Attention Deficient Hyperactivity Disorder (ADHD) does not mean the student is eligible for special education services.

**V. *IEP Development*** – Usually in the same ARC meeting that determined eligibility, an *Individual Education Program* (IEP) is developed for the student. The purpose of this document is to identify the prioritized needs of the student and how those needs will be addressed. It will contain annual goals and the steps to be taken to

achieve those goals, how the child will participate in *general education*, any related services that the student will need in order to benefit from his or her education and the *specially designed instruction* that is necessary to deliver the content to the student. The IEP must also contain any supports or resources that the teachers and staff will need in order to implement this program. The IEP must be in effect before special education and related services can be provided to the student. Additionally, the IEP must be accessible to each regular education teacher, special education teacher, related services provider, and other service providers responsible for its implementation.

A major concern about IEPs is that many believe that having an IEP designates placement in a special class and are not aware that special education for many students takes place in the regular classroom with support.

- VI. *Placement Decisions*** – Once the IEP has been developed, the ARC must determine the most appropriate setting in which to have it delivered. The placement must be in the *least restrictive environment (setting)*. This means the student must not be removed from the *regular education* setting and nondisabled peers except to the extent necessary to implement the IEP. To the maximum extent appropriate, children with disabilities must be educated with children who are nondisabled. Although districts must be willing to provide a *continuum of alternative placements* (instruction in regular classes, special classes, special school placements, home instruction, instruction in hospitals and institutions) as dictated by a child's IEP, special classes, separate schooling or other removal of children with disabilities from the regular education environment must occur only if education in regular education with the use of supplementary aids and services cannot be done satisfactorily because of the severity of a disability. (Instruction in regular classes means the special education child is taught by a regular teacher or in a *collaborative* situation where a special education teacher co-teaches with the regular education teacher). The placement decision must be made based on the IEP and the student's needs rather than on adult convenience or placement of other students with the same disability. After the decision is made, the parent(s) must give written informed consent to the special education services described in the IEP. Without this consent, the school district cannot legally provide the student with any special education services.

Issues of concern around placement decisions include the fact that the label of the student often drives the placement decision. For example, once a student is identified as Emotionally Behavior Disordered (EBD), he may be automatically placed in a self-contained EBD room without discussion of where the IEP can best be implemented because this is the only option the school has available. Another concern is that a student may be removed from the regular education classroom and placed in a special education classroom without any discussion on what changes and accommodations could be made to the regular education classroom to allow for the IEP to be implemented there. Also, the more segregated the placement, the more likely the student will miss out on instruction by content teachers. Many special education teachers do not have content

background or certification. Finally, some special education students are placed in regular education classrooms without the necessary supports or collaboration.

- VII. *Annual Review of the Individual Education Plan*** – After the IEP has been developed and the placement decision made, the IEP and the placement decision must be reviewed at least annually. The progress data that the teachers have been collecting on the student must be reviewed and any revisions to the IEP or the placement should be made after this review. Another important purpose for the review is to determine if the student continues to need special education. Unfortunately, special education tends to be viewed as lifelong and few discussions are held about the student no longer needing special education (which could be the case). Also, many times the annual review is just routine and there is not a good analysis of the progress data done by the ARC members so that an informed decision about revisions in the IEP is not made. Further, even if there are revisions in the IEP, the appropriateness of the placement is often not discussed.